

### **REMARKS**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Claims 233, 236, 237, 244 and 245 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nishioka et al. (US 5,995,626).

According to the Examiner's rejection, the mutual authentication process between the mobile user terminal and the examination terminal is disclosed in col.5, lines 16-32 of Nishioka. However, applicant respectfully disagrees. Nishioka does not disclose the mutual authentication process, in particular there is no suggestion that a mobile user terminal authenticates the examination terminal. In Nishioka, a first apparatus generates C3, C4 and  $\text{sgn}(A)$  and transmits them to a second apparatus(a retail site apparatus).

Claims 233 and 244 have been amended to clarify the mutual authentication process in which (1) the mobile user terminal authenticates the examination terminal using the secret key data included in the electronic value card information and (2) the examination terminal authenticates the mobile user terminal using the held secret key data.

With respect to claim 236, the Examiner contends that the card is updated in Nishioka (col.9, lines 16-30).

In Nishioka, the retail store site apparatus requests the credit card company site apparatus to clear up a sum of products which have been purchased by the user through the communication line 51.

This means that the update is not done in the electronic value card but is done in the accounting system at the credit card company, whereas in the present claim 236 "the electronic value card information held by the mobile user terminal" is updated.

Above all, the smart card of Nishioka illustrated in Fig.3 does not have any variable value data but key information.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 22223-00001-US from which the undersigned is authorized to draw.

Dated: April 16, 2008

Respectfully submitted,

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